

These are the minutes of the Regular Session of the City of Adams, WI held on July 19, 2010 in the City Municipal Building.

Meeting was called to order by Mayor Williams. On roll call were Alderpersons Baumgartner, Jensen, Manthey, Newberg, Scott, Suhr, Mayor Williams, Administrator Ellisor, Attorney Pollex and Street Superintendent Mead. Chief Hanson was excused.

Motion by Newberg, second by Suhr to approve the minutes of the July 6, 2010 meeting as printed. Roll call vote, all voted aye.

Petitions and Communications: Don Ranta addressed the Council questioning the amounts from the Solid Waste proposals. Mayor Williams stated that Clark is \$64,475 and Adams County is \$75,875. Administrator Ellisor stated the dumpsters would still be contracted through Adams County Solid Waste at their price. The proposals are based off 500 tons per year at the County increased rate for tipping fees. The 500 ton is based on past years. Mr. Ranta asked if the \$64,475 includes the unlimited dumpsters that we have now behind the garage. Administrator Ellisor stated what is called for behind the garage is to be changed from 2 six yard dumpsters to one 1 six yard dumpster, and change the recycle trailer container to 1 six yard dumpster for recycles. Ranta questioned if it will be open to residents. Administrator Ellisor stated that there would no longer be unlimited access to those dumpsters. The dumpsters would only be for City use only.

Report of Standing Committees:

Public Safety Committee: (The Committee met July 13, 2010)

A discussion was held regarding snow removal and how it can be enforced.

Motions made to approve the Building Inspector's Report.

Motions made to table discussions regarding Municipal Court until further information is available.

Police Chief Hanson commented that the 4th of July parade went very smoothly. He also explained a town court concept and invited anyone to attend the meeting regarding it on July 14, 2010 at 9:00 a.m.

Motions made to approve the Police Report.

Public Works Committee: (The Committee met July 14, 2010)

A discussion was held regarding the fees for the Farmer's Market.

The City Improvement Projects are on schedule.

Well #5 is to be on line in early August.

MSA is preparing a contract for City approval for the EDA Project to be started this fall.

It was the general consensus of the Committee to go with Clark Disposal.

Fire District: (District met July 8, 2010)

Chief's Report:

There were 4 calls.

Received payment from Friendship of \$10,133.78

Motions made to purchase a truck from AF Motors for \$28,524.50 and sell 341.

Motions made to table new station.

A discussion was held regarding the budget and hope to hold the cost down. City's portion is likely to increase because of the 16 million lost in value in Strongs Prairie due to the sale of Northern Bay (Sunset Condo's).

Report of City Officers:

THE MINUTES ARE DRAFT AND SUBJECT TO COUNCIL APPROVAL

Mayor Williams: Mayor Williams stated that he has spoke with people regarding the farm market situation. He agrees that the committee should revisit that. He stated the well is being delayed and pushed back to the first part of August. Burt Morris Park continues to be used and that is very gratifying. City is looking quite good with the change in the past several years regarding junk cars and trash. We will continue to work on that as there is more to be done.

Administrator Ellisor: Reported the Well is progressing well. A reimbursement draw was submitted to the SWDL program for \$451,000 that does include pay estimate #3 to Ellis Stone that has not been paid yet. The quarterly report for the EDA project was submitted. We received approval from the State for \$4,000 in grant funds for the Click It or Ticket program that the police department participated in.

Attorney Pollex: Reported that he had spoken to the Juvenile Clerk at the Court House regarding a Municipal Court program. He will put together an informational packet for review. He is putting informational packets together with respective land owners along property affected by the EDA Project. He spoke with Inspector White regarding conviction citations. He stated from the start of the process, there is plenty of time for them to come into compliance. On three of the properties, there is one that is voluntarily compliance; one is now owned by the county, and one he has to deal with the estate. He is working on two road issues, Vega Street with City Rights with access to Highway 13, and Commerce Street Truck Traffic. He has six trials coming up, one Wednesday. Attorney Pollex stated there has been nothing filed by the railroad, however, a request has been made and there will be special meetings on that issue. He stated there are exceptions during pending litigation for public information from closed session meetings.

Street Superintendent: Reported the department has been working on crosswalk and curb painting which is about fifty percent complete, brush pickup, and alley grading. They will be starting sanitary sewer cleaning and trimming brush in the alleys. Discussed was the water drainage at Park & Cedar Streets by Burt Morris Park due to the amount of rainfalls we have had.

New and Unfinished Business:

Motion by Suhr, second by Newberg to remove from table the Solid Waste Contract. All voted aye.

Mayor Williams stated that something was brought to his attention today by a citizen and he would like to bring it up for consideration. There has been a lot of talk about the dumpsters behind public works, the suggestion was to move it to the Waste Water Sewer Plant. They had discussed a sticker to be given to residents; there would be a person there to oversee it eight hours a day.

Mayor Williams questioned Attorney Pollex if we can have a discussion rather than a motion. Attorney Pollex stated that you need a motion to award first, and then it opens the floor to discuss the proposed award and any other options.

Motion by Jensen, second by Scott to honor the Adams County Solid Waste proposal for one year in the amount of \$75,875. Administrator Ellisor reiterated the information that was distributed, at the Public Works committee. We did submit to bid the collection for curbside refuse and curbside recycling. That was submitted for a three year bid proposal and we received four proposals for that service. He stated that did not include tipping fees or dumpsters. Of the proposals, Clark Disposal was in fact the low bid at \$30,617. The extra \$4,000 pertains to the two dumpsters for service that we would maintain through the county. The three year bids that were requested, we did not receive a bid from the landfill.

Manthey asked if they were sent a request for bids. He stated he had a discussion with Myrna before we went out for bids and she indicated that they weren't going to and their proposal stood. There was plenty of advertising and ample notification for open to bid. Manthey stated that all

the other companies received proposals in the mail. Ellisor stated we submitted to ones that we thought could participate in it.

Newberg stated that it should have been sent to the county anyways and if they don't send it back, so be it. Ellisor stated there were copies available and if the incurrence of some blatancy of the counties participation, there wasn't. If anyone was aware of there was going to be this process, it was the county landfill. In their own letter, advising us of the increase in service advising us if we don't want to go with this increase, they suggested collecting it ourselves or submit out, not that we needed that advice. He stated that no, they didn't participate and they had ample opportunity to do so and there were no omission there. It's Council's decision what level of service we want. His responsibility is to deal with this major, unanticipated increase in service cost and to come up with the means to maintain the same service level, or close to the same service level, while still being able to keep it close to a level cost. There are options for the Council to consider. One option is using the low bid from Clark Disposal that we received for the one component of overall service that we have for refuse and recycling collection and disposal. When he became aware that the County may no longer participate in the curbside collection or recycling, and there was also awareness that the current dumpster arrangement that we have behind the city garage would not be included either, so we had to look at alternative or deal with the cost for that county service. He received the original proposal to maintain the dumpsters, the recycling trailer and the other dumpsters behind the city garage. The proposal, for just those alone, from the county landfill was somewhere around \$10,200. Upon further review of that, looked at different options. A summary is attached to what was distributed, is the county proposal for the dumpsters on a revised collection scenario. Showing is a six yard dumpster, emptied once a week, for the refuse and a six yard dumpster for recycling. So, for that service, it's reduced to \$2,874. So combining the low bid proposal by Clark Disposal, with the two six yard dumpsters for \$2,874 and the 50,000 tons estimated tippage fees. He stated, bare in mind, by the county discontinuing the agreement that was in place, they notified the City tippage fees would increase as well, from \$37 to \$47, total of tippage \$60. By statutes that went into effect, the refuse goes to the county is fixed and can not be negotiated. If the interest is to go status quo and maintain the dumpster and recycling trailer behind the city garage for the remainder of the year, you're looking at \$75,875 for that service. When he spoke to Myrna Diemert and asked about reducing the dumpster service, and changing the dumpster service because there was an applied cost to each one, the response was there would be no change regardless of how the dumpsters were rearranged. It was a fixed lump sum.

Jensen asked if the \$47 is accurate, isn't there another \$13 fee to make it \$60. Administrator Ellisor stated that it is \$60 and he did not factor that into the increase. It is a recycling charge the State imposes. He stated the City receives a small amount in grant funds each year that amount to about \$9,000 a year. Mayor Williams stated that charge will be effective regardless whom we go with.

Administrator Ellisor stated the previous tippage charge did benefit from with the agreement was \$37 not increased to \$47. Manthey stated that we were pretty lucky for all those years. Administrator Ellisor replied, yes by virtue of the agreement, and the agreement was in place the way it was, was to ensure that whatever refuse was collected in the city was brought there. So there was an exchange or a trade off on that. If you look at the comparison drawn up, you would be looking at an additional \$11,400 per year for the benefit for having the dumpster service remain the way it is behind public works. The other thing to be aware of is that they did not participate in the bid process. As they did not participate in the bid process and it goes in that direction, which is your call, you will not be able to get any bids in the future.

Mayor Williams asked the Council of any of their questions or concerns before voting:

Newberg asked why Clark can not supply the dumpsters, not the trailer, just dumpsters in general. Administrator Ellisor stated “that they can. We looked at pricing that but the difference on those proposals is that Clark would provide the dumpsters and there is a fee for that. But what they can’t provide is the tipping fee; there is an additional amount for the tipping fee for every time a dumpster is brought out to the landfill. The County proposal for the dumpsters is the same quote that is issued to all people that this kind of dumpster and that includes the dumpster and whatever is contents (tipping) as well. If Clark Disposal were to do it, they can’t offer that kind of thing because they have no control of the tipping costs. This is a combination deal from the county that is why he showed it this way, and showed only the counties proposal for the dumpsters, that includes both tipping and the dumpsters.”

Newberg stated if we get rid of the dumpsters behind City Hall, what happens to the garbage from here. Administrator Ellisor stated they would be handled by having our own receptacles within City Hall and a public works crewman would collect them and bring to the dumpster the City would have commissioned from the county. That would reduce the dumpster service.

Newberg questioned the cost to the City by having a crewman taken away from other normal work to collect garbage. Ellisor stated it wouldn’t be an emergency response situation; it would be by need and arranged. Mayor Williams stated there is room in the garage for the garbage to be used.

Jensen questioned as to where the Fire Department would take their garbage. Mayor Williams stated they would need to take a look at that on their own.

Jensen stated he made the motion because twenty some years ago, the City of Adams was in pretty bad shape when the DNR closed down their landfill. At that time, the county sort of bailed the city out when they established the landfill. At that time, the county bought his farm to make a landfill out of it. Now the county is having problems too, and that is why he made the motion. He thinks that we should stick with the county another year. He realizes that it is a \$10,000 - \$11,000 increase than what Clarks proposal is. However, Clarks proposal leaves some margin with issues that are not addressed here yet. One is being the recycling containers. It still is not clear, it is to him, but does not think Council is clear on most these findings. If Clark has to provide bins, the \$64,000 would go up substantially. There is some other language from Mrs. Clarks letter as to there maybe some increase; she mentioned one being at a meeting that gas may go up. Jensen stated there is another issue with one man on the truck. The county has two men on a truck to pickup garbage. Hopefully, if they get the contract they can do it this way. But if they can’t do it, it may require some additional funding. Pretty soon, the \$11,000 would be spent.

Mayor Williams asked Attorney Pollex if he looked into the ownership of the recycle containers. Attorney Pollex stated that he was not aware of it being an issue. Administrator Ellisor stated that he dropped off the proposal and the minutes showing the language. Mayor Williams stated that Wilbur has brought this up several times, but we feel quite comfortable with it because, the City of Adams did, in the original contract, pay \$4.59 per unit that was included in the price of the contract. So if we paid for them once, it seems to him, that if we got down to the nitty-gritty, that they would belong to us.

Suhr stated that he noticed on the Clark contract that the employees to be used for the purpose of this contract would be two. He also stated that the County is planning on getting garbage and stuff in from out of state and other areas. So, they would make up for any problems.

Administrator Ellisor stated in reference to the Clark proposal regarding the “unforeseen increases in cost”. In the past, the county’s service proposal had that pretty much covered. Each year, their service agreement would be increased based on the Consumer Price Index. That was

THE MINUTES ARE DRAFT AND SUBJECT TO COUNCIL APPROVAL

written right into the renewed (after the first 3-years) proposal rolled that into it. That is understandable to keep pace with the consumer price index, but what is not accurate in something like that, on that level, is the fact that the CPI is based on urban area statistics, and not comparable to the rural area situation for the City of Adams.

Manthey stated that we look to our citizens and ask them to shop in town. We just went shopping out of town is what we did. She thinks in the long run, by sending thousands of dollars out of our county, which will affect our taxes. In these times, it sickens her by going out of this county with that kind of money.

Baumgartner stated that it was clear that they submitted their one-year renewal and knew that the option was out there to bid out, and didn't come back with a counter offer. They are looking to take it out of the county for tipping fees. They will still get the tipping fees regardless, but won't have to do the work. She does not know why they don't want to budge or renegotiate, so it's clear that they wanted us to put it out there for us to bid out.

Attorney Pollex stated that Council needs to know before voting on any topic that comes before Council, they have an obligation to self-reflect and reach a determination in an unbiased manner. The determination for having a conflict of interest is one that is self governed but could be challenged. If an individual feels there is a conflict due to relation, employment, economic involvement of any kind, they have an obligation as a council member to self-reflect on that and to abstain from the vote. He asked Administrator Ellisor about the bidding process, he is not aware of the odds and ends, but if the Council is considering a bid that was not submitted in the same fashion as the other bids that were solicited, the public notices that were sent out, he is not entirely comfortable with the concept of the City creating a bid that was not submitted in the exact fashion that was put out for public bid. He will leave that to you for clarification. But if the public bid stated to submit your bid in the following form, from the public notice, and we received all the other bid in the properly noticed form, and now the Council is considering the bids submitted in a different form, different circumstances, he needs clarification on that. Administrator Ellisor stated that what would have to happen is, the County only submitted one thing and one thing only, and that was the renewal. If that was the direction this went, all the bid proposals that were received, (which again, didn't include the county,) all the ones that were receive, we would have to be dismissing it, or be rejected. Then the one year renewal would be entertained.

Attorney Pollex reiterated that if the proposals went out stating for a three year proposal, those are the individuals submitting bids, those would undergo consideration. We have to compare apples to apples. If what Administrator Ellisor described is what happened, it is his recommendation if this motion is to continue forward, is unfortunately is to table again, so that we can re-solicit bids, so we have an apples to apples comparison.

Mayor Williams stated that he believes Bob had contacted Myrna and asked her about that and what she stated was that she wasn't going to adjust it, or make any changes. Administrator Ellisor stated essentially she said they weren't going to be submitting anything. Mayor Williams stated her letter also said that. Manthey stated that she didn't get a proposal that was sent to everyone else. Administrator Ellisor stated that needs to be clarified, she didn't get sent one directly, and could she have received one easily enough, because that would have been plenty easy. If that was the reason the county didn't submit a bid, is because they didn't get mailed one, I would seriously have an issue with that if I was a Council member if I had to look at this. Manthey stated that she had submitted a one year proposal, and then the bid proposals went out asked for a three year. Administrator Ellisor stated they were asked for a three year and there was other terms in there that were sought that were entirely different from the proposal the county submitted.

Motion by Newberg, second by Scott to Table the Solid Waste Contract to the next meeting in light of what Attorney Pollex stated and until more clarification is received. All voted aye.

Motion by Jensen, second by Suhr to approve the Engineering Service Agreement for the EDA Grant Administration for the South Business Park Project in the amounts of \$15,000 for administrative and \$92,500 for Engineering Services. Administrator Ellisor stated he has the full copy of the engineering agreement proposal for engineering services performed for the EDA project. It is standard language and includes a not to exceed amount. There are two agreements being submitted, one is for administrative technical assistance and the other is for engineering design, and inspection. The proposal for the engineering design, construction and inspection is \$92,500 and the agreement for the administrative services is \$15,000. He distributed a copy of the budget for this project, which is the approved budget endorsed by the Economic Development Administration. He reviewed line items on the budget. Mayor Williams stated that it is below budget. **Roll call vote, all voted aye.**

Motion by Manthey, second by Newberg to Adopt Resolution 2010-11R (see appendix B of Minutes Book) **designating and authorizing official to order sale of city owned corporate stock shares.** Mayor Williams that we received letters stating the City owns 1,221 shares of stock in Smurfit-Stone Container Corporation. Currently it is worth about \$24,000 closing the other day at \$20 per share. There will be fees, but worth approximately \$24,000. **Roll call vote, all voted aye.**

Motion by Newberg, second by Baumgartner to waive park fees for Trinity Lutheran Church for August 8, 2010 from 10:00 a.m. to 1:30p.m. Roll call vote, all voted aye.

Motion by Baumgartner, second by Jensen to approve issuance of Operators License to Dennis L. Dieball. Roll call vote, all voted aye.

Motion by Suhr, second by Newberg to approve payment of the bills. Roll call vote, all voted aye.

Motion by Jensen, second by Scott to adjourn. All voted aye.

Meeting adjourned at 7:13 p.m.

Respectfully Submitted,
Janet L. Winters
Clerk/Treasurer